

Review Report

Scottish Local Government Elections 5 May 2022

**The Electoral Management Board for Scotland's
review feedback from Returning Officers & their
teams**

Report to the Electoral Management Board

September 2022

EMB | **Electoral Management
Board for Scotland**

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Outline

1. This paper gives a summary of the Electoral Management Board for Scotland's (EMB) review of the delivery of the Scottish Local Government Elections on 5 May 2022. The focus is feedback provided in May and June 2022 from Returning Officer (RO) teams across Scotland. There has also been discussion within the EMB and with partners / stakeholders including Public Health Scotland (PHS), Police Scotland and the Scottish Parliament Political Parties Panel (SPPPP).
2. The report analyses comments across categories including:
 - EMB Directions & General Support
 - Legislation/Election Rules
 - Supplier Performance (Print, EMS, Royal Mail)
 - Registration/Support from ERO
 - Nominations
 - Interaction with Candidates/ Agents
 - Postal Voting
 - Polling Places
 - Polling Staffing
 - Count Venue
 - Count Staffing
 - Covid Issues
 - Communications/Public Awareness
 - General comments
3. For each there are comments on the planning, preparation and delivery of the election with any recommendations for improving future management of elections.
4. Some follow-on actions for the Scottish Government, Electoral Commission, EMB and the broader electoral community in Scotland are identified for future action.
5. The Electoral Registration Committee (ERC) of the Scottish Assessors Association (SAA) have undertaken a similar review with EROs in Scotland and it is understood that its report will be submitted separately for consideration by the EMB.
6. This is not a full examination of the statistics of the election, which are available elsewhere. An analysis of the results is available on the EMB website <https://www.emb.scot/downloads/file/980/local-government-elections-2022-results-updated-with-postals-station-split>. Rather, the basis is the comments of RO teams immediately following the event as they reflected on the challenges and identified lessons learned.
7. In addition, there is no consideration here of the issues around the several uncontested/under-contested wards across Scotland. There were eight under contested (5) or uncontested (3) wards:
 - **Uncontested:** Inverclyde East (Inverclyde), Buckie (Moray); Caol and Mallaig (Highland); Shetland North (Shetland), 2x Independent, 1x Labour; Sgìre an Rubha (CNES).

- **Undercontested:** North Isles (Shetland); Barraigh agus Bhatarsaigh (CNES); Sgìr Ùige agus Carlabhagh (CNES).

Background

Coronavirus Conditions

8. By the point at which RO teams were dealing with the key delivery elements of the election - nominations, polling, postal voting and the count - the broad Coronavirus restrictions had been lifted and there were no requirements for social distancing or the wearing of face-coverings.
9. However, in the planning/preparation period leading up to the election the conditions were volatile; great uncertainty remained as to the degree of restrictions that might be in place at polling and the count. Plans at a national and local level had therefore to include contingencies to cater for measures that may have been introduced, primarily in terms of social distancing and the consequences for both polling and the count.
10. The EMB supplementary guidance that had been produced to support the delivery of the Scottish Parliament Election in May 2021 was reviewed and revised to inform the planning for the May 2022 polls, with input from PHS and Health and Safety specialists in Glasgow City Council.
11. While the enhanced measures around physical distancing, occupancy limits on polling stations and the use of Perspex screens were not deemed necessary some ROs chose to retain them to provide a degree of reassurance to voters, staff and candidates.
12. Although restrictions were not in force at the time of the election, Covid continued to have an impact with large numbers of polling and count staff withdrawing from duty due to a positive test, or because of caution about the risks of the role.

EMB Co-ordination

13. EMB activity to coordinate the delivery of the elections, promoting best practice, as required by the Electoral Administration Scotland Act (2011) included what has become the standard programme of briefings, the issue of support materials and the directions given to ROs and EROs.

eCount Project

14. The management of the eCount project for the 32 councils was a major workstream. Covering a period of over 3 years, the project oversaw the procurement of the eCount system, its development and testing and the implementation across the 32 local authorities.

15. There was a discrete eCount Project Board chaired by the Convener of the EMB with its own workstreams.
16. Several Returning Officers noted that, while their counts had gone well overall, the late appointment of supporting technical staff by the supplier had led to some difficulties, as the technical staff then had to familiarise themselves with the count process very close to the event. This had led to initial set up and operational delivery problems at some counts which, while resolved, had raised concerns amongst those Returning Officers affected.
17. The Scottish Government and the EMB are currently carrying out a review of the e-counting project. Once that review has been concluded we would expect that any relevant recommendations are implemented so that Returning Officers can have full confidence in their delivery of future electronic counts.
18. The eCount Project included the print element of the election and no problems were experienced with the production or delivery of any print materials.

Seminar for Returning Officers and Electoral Registration Officers

19. A joint EMB/Electoral Commission seminar was held on 27 January 2022 for ROs and EROs to support their planning for the 5 May elections. This was conducted over Microsoft Teams as social distancing measures and limits on gatherings were still generally in force.
20. There were a series of presentations followed by discussion among the ROs/EROs covering topics including:
 - Session 1: The legal and regulatory framework within which the elections take place
 - Session 2: Covid – the election’s delivery in the context of the current public health situation.
 - Session 3: Resilience issues - how to meet the challenges.
 - Session 4: Accessibility issues – review and opportunities for improvement – with input from RNIB Scotland and Inclusion Scotland
 - Session 5: Awareness, Stakeholder engagement and political literacy
 - Session 6: Integrity – with input from Police Scotland and the Scottish Government’s Cyber Security team
 - Session 7: Adjudication of doubtful ballots
 - Session 8: The Count

Directions from the Convener of the EMB

21. To provide a consistency in key voter facing elements of the election and ensure adequate contingency planning, the Convener of the EMB made several directions to ROs and EROs, as has become the standard practice during the development of the EMB and its oversight of electoral events.

22. Following formal consultation within the EMB and with the Electoral Commission these directions were issued on 5 November 2021, 6 months ahead of the election.

23. The directions are provided in Appendix 2.

Support from Public Health Scotland and Directors of Public Health

24. Throughout the planning of and preparation for the elections EMB representatives met with consultants from Public Health Scotland (PHS) who were responsible for the production of workplace guidance around the control of the Coronavirus.

25. This allowed ongoing review of all proposed activities across nominations, postal vote processing, polling and the count to ensure that they would maintain safety for those taking part given the prevailing and changing public health situation.

26. PHS were also able to provide advice on specific queries where necessary to support individual RO teams.

27. Returning Officers were also encouraged to liaise locally with their Directors of Public Health (DPH) to ensure that there was local awareness that the elections were taking place and what would be involved in delivery.

Liaison with Police Scotland

28. As in all recent major electoral events in Scotland the EMB worked closely with Police Scotland to plan their support for the elections. In partnership with the Electoral Commission and the ERC of the SAA (representing the EROs) the EMB briefed all Police SPOCs at a national event on 10 February 2022.

29. The EMB and Electoral Commission had monthly meetings with the Silver Command for Police Scotland and were included in their regular national monitoring activity through polling day.

Royal Mail

30. Following the successful delivery of the May 2021 polls the same protocol was applied for this election with regular meetings between Royal Mail and EMB representatives to monitor activity at key points in the election timetable so that any issues could be identified, addressed and resolved.

Scottish Parliament Political Parties Panel (SP PPP)

31. Nationally there was engagement with the major political parties through the SP PPP to allow consultation on various elements of the election preparation and planning including the Directions issued by the Convener.

Review of Lessons Learned

32. Following the delivery of the election ROs and their teams were asked for comment on the topics listed in paragraph 2 above. These were provided in the immediate aftermath of the election, allowing the issues to be fresh in the minds of the RO teams. A similar exercise was completed immediately following the close of nominations to collect comment on the nomination process in a “hot debrief”.
33. For each of these topic areas comments are given below, split into sections so that specific lessons are easily identifiable. The analysis includes both elements that were done well (✓) and areas where there were problems and pressures adding challenge to delivery (!).
34. These are only a condensed summary of the full comments from RO teams many of whom went into greater detail.

EMB Directions & General Support

	Lesson	Recommendation
✓	<ul style="list-style-type: none">• The combination of EMB Directions and Recommendations was a sound and pragmatic approach.• It was welcome that individual ROs were trusted to manage their own polling schemes, based on what worked in 2021 with adjustments as appropriate.	
!	<ul style="list-style-type: none">• Organisation of EMB website not always well structured.	<ul style="list-style-type: none">• EMB Website can be improved with information categorised more simply.

Legislation/Election Rules

	Lesson	Recommendation
!	<ul style="list-style-type: none"> There remains a composite set of legislation and rules from different Acts etc to be considered at each election. 	<ul style="list-style-type: none"> A site where all relevant up to date legislation is stored instead of having to download it each time would be useful A consolidation of electoral legislation and a simplified consistent set of rules for all elections would be helpful for voters, RO staff and candidates. This has been a recommendation from ROs and EROs for many years and was supported by the recent Law Commissions review of Electoral Law.
!	<ul style="list-style-type: none"> As had been forecast when the change was made to the legislation, staffing and resourcing replacement ballot papers until 10pm on polling day, especially for rural local authorities and those with limited staff was very challenging. 	<ul style="list-style-type: none"> A return of the deadline to 5pm on polling day would be appreciated by RO staff, but it is accepted that there needs to be account taken of the needs of voters.

Supplier Performance (Print, EMS, Royal Mail not eCount)

	Lesson	Recommendation
✓	<ul style="list-style-type: none"> Generally there was very good performance from suppliers. Much of this success is built on the way in which relationships with suppliers have been developed and fostered by the EMB and by local RO teams 	<ul style="list-style-type: none"> The EMB should continue to develop the relevant relationships with partners; assessing performance and developing the market as necessary to provide resilience. The regular meetings with Royal Mail to resolve issues immediately is a good model

Registration/Support to RO from ERO

	Lesson	Recommendation
✓	<ul style="list-style-type: none"> ERO support generally very good across the Country 	<ul style="list-style-type: none"> Close liaison between EROs and ROs and through the EMB to continue and to be strengthened where possible

Nominations

Lesson	Recommendation
<p data-bbox="259 316 271 339">!</p> <ul style="list-style-type: none"> <li data-bbox="367 304 1104 432">• There are several issues with the Nomination Papers that were confusing to candidates and agents and required significant input from RO Teams to resolve including: <ul style="list-style-type: none"> <li data-bbox="465 440 987 469">○ Home address form poorly designed. <li data-bbox="465 475 1048 536">○ “Description” box caused some confusion (should be “Party Description”). <li data-bbox="465 542 1097 635">○ Nominees don’t understand what is meant by “local government area” and normally put the ward name; and <li data-bbox="465 641 1043 670">○ Confusion as to location of Agent’s office. 	<ul style="list-style-type: none"> <li data-bbox="1211 304 2089 400">• Home address form could have a simple question - <i>Do you want your home address published on the ballot paper/notice of poll?</i> Y/N <li data-bbox="1211 406 2089 671">• There could be more clarity on either the nomination paper or the explanatory note about the significance of ‘Description’ – i.e., make it explicit that this should be their political party’s preferred description or, if they are not affiliated with a political party, whether they wish to stand as an ‘Independent’ or just leave that blank – so that it is clear this needs to be populated if they want this to appear on the ballot papers and on the Notice of Poll. <li data-bbox="1211 678 2089 879">• Making sure the forms are clear that candidates who don’t appoint an election agent will be deemed to be their own election agent and that their home address (unless they provide an office address) will appear on the notice of election agents even if they have stated address should not appear in public on the notice of poll/ballot paper. <li data-bbox="1211 885 2089 1118">• Nomination forms to include the requirement for the candidate’s contact details to be provided, i.e. email address and/or telephone number. The RO has contact details for the agents but their contact with the candidate isn’t always very regular and it can cause delays in getting information to/from the candidate if the agent either isn’t around or doesn’t act on it timeously. <li data-bbox="1211 1125 1989 1185">• With the option of the home address or address in Local authority area, an additional option “within the ward”. <li data-bbox="1211 1192 2024 1252">• Nomination forms should be updated with forms to be filled online with the print-out option. <li data-bbox="1211 1259 2051 1359">• Guidance as Councils were not consistent is what was acceptable for the certificates of authorisation i.e. nominating officer did not print full name of candidate on certificate

!	<ul style="list-style-type: none"> Some errors among candidate who had not read appropriate guidance, e.g. agent office address not always in the appropriate area; confusion over the certificate of authorisation and who can sign it; confusion over who can sign the appointment of election agent; nature of “delivery” of nomination papers: i.e., – not by post, even special delivery 	<ul style="list-style-type: none"> Also it is suggested that the Notice of Appointment of Election Agents be clearer in terms of what information is needed – home address or “office” address only.
!	<ul style="list-style-type: none"> Materials were not always in accessible format to allow ROs to meet statutory accessibility standards for publication of materials on Council websites. 	<ul style="list-style-type: none"> All materials including nomination forms, notice templates and results for publication on Council websites be produced in accessible formats to meet statutory requirements. This would prevent additional work of reformatting before publishing
!	<ul style="list-style-type: none"> Some inconsistency of practice among ROs with respect to certificates of authorisation i.e. nominating officer did not print full name of candidate on certificate 	<ul style="list-style-type: none"> Refresher training course on handling nominations should be part of the RO seminar Electoral Commission guidance to be reviewed and communicated to ROs to support consistency
!	<ul style="list-style-type: none"> Nomination Papers are not easy to complete for those with dyslexia. 	<ul style="list-style-type: none"> Papers to be reviewed for accessibility

Interaction with Candidates/ Agents

	Lesson	Recommendation
✓	<ul style="list-style-type: none"> Briefings via MS Teams is a definite improvement in terms of time committed and engagement. Good feedback generally about various streams of communications and pre-nomination sessions. 	<ul style="list-style-type: none"> ROs should continue to explore use of Teams etc for interacting with candidates and agents post-pandemic

	Lesson	Recommendation
!	<ul style="list-style-type: none"> • Access hampered slightly by the continued closure of council offices and public receptions, home-working so that staff were not always being readily available. • Experienced candidates often do not follow instructions or guidance due to overfamiliarity. • Some view that there is too much information given to candidates and election agents due to the nature of what we are dealing with, to the point it almost swamps them in paperwork and guidance, • Very small political parties, can be unwilling to engage and provide contact details, putting forward 'paper' candidates and making it very hard for us to provide information to them going forward through the process. Also an issue for independents. 	<ul style="list-style-type: none"> • Public offices need to be re-opened as early as possible to allow more effective interaction and communication with candidates and agents. • Monitor how and when information is delivered to candidates and election agents so as not to bombard them. • Information could be "drip fed" so that the important parts are highlighted only at the relevant time • Message small political parties nationally to engage with local ROs before and during process for the sake of the voter and local election admin team.

Postal Voting

	Lesson	Recommendation
!	<ul style="list-style-type: none"> • Some increase in people coming to polling stations as a postal voter and thinking they can swap back to an in-person voter. The numbers doing this seem to have increased; generally people who decided they wanted to vote on the day and have 'lost' their postal vote. • This adds unnecessarily to the admin burden on polling day where workload is already excessive, and staff are fully committed 	<ul style="list-style-type: none"> • Review potential communication with postal voters to emphasise that they cannot vote on polling day in person, perhaps stressing this strongly in the postal pack.
	<ul style="list-style-type: none"> • There are severe concerns about future high turnout polls and administering replacement postal votes at the office until 10pm which is not practical when preparing for overnight work at other venues. 	<ul style="list-style-type: none"> • Consideration to be given to reverting to a 5pm cut-off for replacement postal votes.

!	<ul style="list-style-type: none"> Many postal votes were rejected due to various errors in completion of PVS 	<ul style="list-style-type: none"> More promotion in social media on the correct completion of postal votes. Reduce the refresh cycle instead of 5 years to 3 years, with the evolution of the signature of young voters leading to a higher risk of rejection.
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Polling Places

Lesson	Recommendation	
✓	<ul style="list-style-type: none"> No issues of note reported. 	<ul style="list-style-type: none"> Note that this is a positive position of success to be

Polling Staffing

Lesson	Recommendation	
!	<ul style="list-style-type: none"> Some staff found the online training to be too intense and hard to engage with - "death by power point". 	<ul style="list-style-type: none"> RO teams to look at interactive approaches and videos showing to limit need for excessive slides. Note Edinburgh's useful videos
!	<ul style="list-style-type: none"> Considerable and concerning issues with the turnover, call off and loss of experienced staff, to a level never experienced before in many councils. Achieving a full staffing complement was challenging as some more experienced staff still did not wish to work due to covid risk or had taken the opportunity to go on holiday as the covid restrictions were lifted. Potential staff seem less interested due to low pay and, for some of them, the tax implications. Loss of good will generally. Pay has increased but fewer polling staff are willing to work for the long hours, take the responsibilities and the large amount of paperwork and guidance. This raises concerns going forward about recruitment and retention. Issues will be exaggerated for UK elections in the context of the measures of the Election Act which may limit those willing to work. 	<ul style="list-style-type: none"> Rates of pay to be reviewed across all Councils to ensure that they are realistic and consistent for the roles. Polling staff recruitment and retention is a national issue that needs to be reviewed with solutions identified.

	<ul style="list-style-type: none"> The base of council staff is also now diminished significantly due to shrinking budgets and redesigns of services such that staff cannot be released. 	
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Count Venue

	Lesson	Recommendation
✓	<ul style="list-style-type: none"> No issues of note reported 	

Count Staffing

	Lesson	Recommendation
!	<ul style="list-style-type: none"> There were a range of issues with the recruitment and retention of staff for the count, with difficulties in finding the staff and then large numbers calling off at short notice. 	<ul style="list-style-type: none"> There is a need for a enhanced contingency staffing for all electoral events in future to address the volatility of staffing in a pandemic context but also a lack of commitment from some staff. As with polling staffing recruitment and retention is a national issue that needs to be reviewed with solutions identified.

Covid Issues

	Lesson	Recommendation
✓	<ul style="list-style-type: none"> Appropriate measures put in place based on SG guidance Due to the relaxation of rules which was a gradual process during the preparation for the election, the controls, and mitigations in place at the Polling Places were more than was required in the Public Health context. 	<ul style="list-style-type: none"> EMB work with PHS was positive and informed local action and would be continued in any similar future pandemic situation.
!	<ul style="list-style-type: none"> Staffing pressures were felt both due to covid infections, but also due to staff taking holidays as soon as that become a practical option. 	<ul style="list-style-type: none"> There is a need for increased contingency staffing for all election roles in future events.

Communications/Public Awareness

	Lesson	Recommendation
✓	<ul style="list-style-type: none"> The count was live streamed successfully in some areas. 	<ul style="list-style-type: none"> ROs to investigate potential for livestreaming of activities to encourage transparency
!	<ul style="list-style-type: none"> There is a persistent lack of understanding of the need to use numbers, leading to spoiled and therefore lost votes; The ballot paper was a bit confusing for some voters and they only read 1,2,3 and we had a lot of ballot papers with 1,2,3 on them, not sure if this can be looked at for future elections 	<ul style="list-style-type: none"> Public awareness activity needs to continue and to focus on the way in which the ballot papers are to be completed. Parties also to focus on how to complete the ballot paper in their campaign material.
!	<ul style="list-style-type: none"> Communications and Public Awareness seemed to be low key for this election. General public comments were received that they did not know who their candidates were and what their 'pledges and manifestos' were. This is always an issue in local government due to self-financing candidates with small budgets. 	<ul style="list-style-type: none"> There could be a central online point for candidates to upload a picture and manifesto. This might go some way to balance the imbalance those that have money from parties for mail drops. Would be more accessible to the voter.
!	<ul style="list-style-type: none"> Most rejections at RO adjudication appeared to be situations where people allocated multiple crosses (i.e., no clear first preference) 	<ul style="list-style-type: none"> There needs to be more communication/public awareness work to prevent errors in completion of ballot papers.

General comment / feedback

	Lesson	Recommendation
✓	<ul style="list-style-type: none"> General support from the EMB was very much appreciated and well-targeted 	<ul style="list-style-type: none"> EMB to continue to review approach and ensure that support is appropriate and well planned.
!	<ul style="list-style-type: none"> The number of requests to complete surveys/reporting was excessive and time consuming 	<ul style="list-style-type: none"> EMB to assess communications and ensure that they are undertaken efficiently taking note of the pressures that ROs and their teams are under. Number of surveys etc to be reduced if possible

Follow on actions

35. The following issues have been identified to address issues highlighted in the lessons learned above.

Ref	Action	For action by
FO.1	EMB website to be reviewed with, if possible, a better categorisation of materials/search facility	EMB
FO.2	A consolidation of electoral legislation with a simpler set of consistent rules is still required; a simple accessible database of relevant legislation would help in the meantime	Scottish Government /Electoral Commission / EMB
FO.3	EMB to continue close and proactive liaison with suppliers to ensure any issues are resolved early – using model of work with Royal Mail	EMB/SAA/suppliers
FO.4	Nomination papers / forms to be reviewed to ensure that they are clear in requirements, easier to complete accurately and are simple to download etc	Electoral Commission/EMB
FO.5	Engagement with candidates and agents to be reviewed so that there is better understanding of the nomination requirements and process, especially with smaller parties, independents and the inexperienced candidate/agent.	Electoral Commission/ EMB
FO.6	Public awareness strategies around how to complete postal pack and how to submit postal vote to be enhanced and improved.	Electoral Commission, ROs/EMB
FO.7	Strategy needed to give resilient and robust pool of staff for polling and the count given erosion in base due to several factors.	EMB, Scottish Government
FO.8	Review of all public awareness activities to reduce rejected votes at the count due to voter misunderstanding of voting instructions	Electoral Commission, ROs/EMB
FO.9	Review the number of requests made to ROs for responses to surveys etc	EMB, Electoral Commission, Scottish Government.

c/o Elections Office City of Edinburgh Council City Chambers, 249 High Street, Edinburgh EH1 1YJ,

Tel 0131 469 3126|

Ref	Action	For action by
FO.10	Consider central site to host information about candidates, photos etc	Electoral Commission, Scottish Government/EMB

Summary

36. The elections of 5 May 2022 were managed well with results that were accepted by all. There were no challenges to the election and no issues of process or integrity reported.

37. There has been broad feedback from candidates, agents, media, and voters that they election was well delivered in what continued to be challenging circumstances due to the aftermath of the pandemic. The successful conduct of the election was only possible due to immense effort of RO and ERO staff and the support of many different stakeholders across the councils, Police Scotland, Public Health and others.

38. Several actions have been identified for the future to ensure that lessons from this event can inform the conduct of future elections in Scotland. These focus on:

- A review of the nomination papers;
- A review of public awareness activity to minimise rejected votes at polling places and via postal votes; and
- A review of resourcing – especially staffing – given pressures on local government resources and increasing difficulties in the recruitment of staff.

39. This paper does not consider the eCount element of delivery. That has been reviewed separately.

APPENDIX 1 – Timetable

Timetable for Scottish council elections on 5 May 2022

The days which are disregarded in calculating the timetable are Saturday, Sunday, Good Friday, Easter Monday¹, bank holidays (i.e. Monday 2 May) and any day appointed for public thanksgiving or mourning.

Please be aware that the timetable may change in the event of days being appointed for public thanksgiving or mourning.

The timetable contains the statutory deadlines as set out in the election rules and also reflects the directions issued by the Convener of the Electoral Management Board for Scotland. Dates which reflect a direction issued by the Convener appear in boxes shaded in blue.

Event	Working days before poll (deadline if not midnight)	Date
Publication of notice of election	Not earlier than the thirty-fifth day before the date of the poll and not later than the twenty-eighth day before the date of the poll	Monday 14 March
Dispatch of poll cards to electors	As soon as practicable after the issue of notice of election	Between Tuesday 15 and Wednesday 16 March
Delivery of nomination papers	Not later than 4pm on any working day from the day after the publication of notice of election until 4pm on the twenty-third day	Not later than 4pm on any working day after the publication of the notice of election until 4pm on Wednesday 30 March
Deadline for withdrawals of nomination	23 days (4pm)	4pm on Wednesday 30 March
Deadline for the notification of appointment of election agents	23 days (4pm)	4pm on Wednesday 30 March

¹ Although disregarded in relation to calculating the election timetable, Easter Monday is not a disregarded day in Scotland in relation to calculating the registration deadline.
Review of SPE21

Event	Working days before poll (deadline if not midnight)	Date
Publication of notice of poll, including situation of polling stations	As soon as practicable after the deadline for withdrawals	As soon as practicable after 4pm on Wednesday 30 March
Publication of the first interim notice of alteration	23 days	Wednesday 30 March
Publication of the second interim notice of alteration	Between 22 days and 6 days	Friday 8 April
First dispatch of postal ballot packs		Between Thursday 14 and Tuesday 19 April
Deadline for receiving applications for registration	12 days	Monday 18 April
Deadline for receiving new postal vote and postal proxy applications, and for changes to existing postal or proxy votes	11 days (5pm)	5pm on Tuesday 19 April
Deadline for new applications to vote by proxy (not postal proxy or emergency proxies)	6 days (5pm)	5pm on Tuesday 26 April
Final dispatch of postal ballot packs		Tuesday 26 April
Publication of final election notice of alteration	5 days	Wednesday 27 April
Deadline for notification of appointment of polling and counting agents	5 days	Wednesday 27 April
POLLING DAY	0 (7am to 10pm)	7am to 10pm on Thursday 5 May

Event	Working days before poll (deadline if not midnight)	Date
Last time that electors can apply for a replacement for a lost and spoilt postal vote	0 (10pm)	10pm on Thursday 5 May
Deadline for emergency proxy applications	0 (5pm)	5pm on Thursday 5 May
Last time to alter the register due to clerical error or court appeal	0 (9pm)	9pm on Thursday 5 May
Verification and count		Friday 6 May First ballot boxes are opened after 8am and not later than 9.30am
Latest day for candidates to receive their invoices	21 calendar days	If result is declared: <ul style="list-style-type: none"> • 6 May it is 27 May • 7 May it is 30 May*
Latest day for candidates to pay their invoices	28 calendar days	If the result is declared: <ul style="list-style-type: none"> • 6 May it is 6 June • 7 May it is 6 June
Latest date for candidates to submit their return and agent declaration	35 calendar days	If the result is declared: <ul style="list-style-type: none"> • 6 May it is 10 June • 7 May it is 13 June*
Sending postal vote identifier rejection notices	Within 3 months beginning with the date of poll	By Thursday 4 August

*Although these deadlines are calculated on calendar days, the deadline cannot fall on a dies-non. The deadline will in that case be the next working day.

APPENDIX 2- Directions made by the Convener of the EMB

FOR THE ATTENTION OF ALL

Our Ref: CH051121/SLGE22DIR

RETURNING OFFICERS AND

**ELECTORAL REGISTRATION
OFFICERS IN SCOTLAND**

Your Ref:

Date: 5 November 2021

Dear Returning Officer/Electoral Registration Officer,

SCOTTISH LOCAL GOVERNMENT ELECTIONS 5 MAY 2022: DIRECTIONS FROM THE CONVENER OF THE ELECTORAL MANAGEMENT BOARD (EMB)

The Local Electoral Administration (Scotland) Act 2011 as amended by the Scottish Elections (Reform) Act 2020 gives the Convener of the EMB authority to make directions to Returning Officers (ROs) and Electoral Registration Officers (EROs) in relation to the exercise of your functions in delivering Scottish Local Government Elections.

The EMB has considered the major issues related to the delivery of these elections in May 2022 and I have determined that it is appropriate to make a number of Directions with respect to elements of the election process. These Directions are the product of the experience of delivery of a number of major electoral events over recent years, especially the Scottish Parliament Election in May of 2021 which has provided many lessons to ROs and EROs. They are also informed by a review of the conduct of the Scottish Local Government Elections in May 2017 and subsequent by-elections, especially those under Covid conditions. Our successful operation in the context of the pandemic has a legacy that will continue into future events.

Purpose of the Directions

The Directions are intended to coordinate delivery of the elections across Scotland to promote the interests of the voter. The overall goal is to deliver results that will be trusted as accurate, resulting from elections that are accessible, consistent, efficient and secure. The experience of COVID emphasised that there is a duty to promote operations that are safe for all stakeholders not just in terms of electoral integrity, but also around health. These goals are to be achieved through a consistency in voter experience and a resilient approach to planning. My Directions will assist ROs, EROs and other persons in carrying out their functions. I also intend that they will promote best practice in the planning and management of elections in Scotland.

The Gould Principle

These Directions are being made today which is just over six months ahead of the election to which they apply, which allows me to comply with the principle proposed by Ron Gould of allowing this interval ahead of any electoral event should new legislation, rules or regulations be applied.

Consultation

As required by legislation the Directions have been the subject of formal consultation with the EMB, which includes both ROs and EROs, and with the Electoral Commission. The final Directions attached reflect comments from those consultations. There have also been informal discussions with print and IT suppliers to ensure that they are aware of the production schedules that will be required, and with Royal Mail. At its meeting on 28 October 2021 the EMB considered this final set of Directions. Following discussion at that meeting I am now content formally to make the Directions which are presented in Appendix 1. This includes a full statement of the Directions with a short commentary where clarification might be useful.

Scope for Additional Directions

It is the hope of all that the public health situation will improve over the coming months. However we are all acutely aware that circumstances, regulations and guidance are frequently changing given the fluid nature of the COVID situation. The EMB continues to engage with Public Health Scotland to ensure that our approach is informed and guided by the latest advice. The guidance for the delivery of elections under Covid conditions remains valid. The EMB will keep these issues under review and if necessary and appropriate additional directions will be issued. I would always seek to make any such Directions as early as possible to support your planning. It is expected that the elections will at least be delivered in a "Covid sensitive" manner; while there may not be a public health *need*, the arrangements from 2021 in terms of physical distancing, enhanced ventilation, hand hygiene, Perspex screens, fresh pencils and regular cleansing etc may well be *expected*. You should continue to engage with your local Health and Safety advisers and Director of Public Health.

Recommendations

Included with the Directions are a set of "recommendations". While not formally given as Directions, ROs and EROs should give appropriate attention to those areas. Some of these are related to measures that may be required or recommended to address public health issues arising from the Coronavirus pandemic, others address good practice in the delivery of the count.

Print Timetable

Also enclosed as Appendix 2 is a timetable that has been developed by the Print Working Group of the eCount Project which shows the various tasks and deadlines, with a note of those who own any tasks. I trust that this will be useful in your planning and project management, given that there is a single print supplier.

Briefing Event

I have a regular opportunity at each SOLACE meeting to speak to Chief Executives in a forum that allows us to consider election issues corporately. I would like to stress that in addition to that meeting I am available to any Returning Officer to discuss concerns around the delivery of particular electoral events and especially as 5 May 2022 approaches. The community of electoral professionals in Scotland is small but is also both supportive, helpful and experienced. I am encouraged that there are always those who are willing to offer advice, expertise and support to colleagues.

The EMB is holding a Joint Seminar with the Electoral Commission for ROs and EROs on **27 January 2022** which will address a range of issues related to your planning and delivery of the elections next year. This will build very much on the lessons from May 2021, particularly considering Review of SPE21

issues of resilience and picking up on some elements where we know improvement is possible. I look forward to seeing you at that event. More information will be circulated shortly by the Electoral Commission but please hold the date in your diary.

If you have any questions about these Directions, please do not hesitate to contact me directly or speak to the Secretary of the EMB, Chris Highcock, (chris.highcock@edinburgh.gov.uk 0131 469 3126).

Yours sincerely,

MALCOLM BURR

Convener of the Electoral Management Board for Scotland

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Appendix 1 – Scottish Local Government Elections 2022, Directions to Returning Officers and Electoral Registration Officers from the Convener of the Electoral Management Board for Scotland

Appendix 2 - Local Government Elections Scotland 5 May 2022 Print Schedule

Scottish Local Government Elections 2022

Directions to Returning Officers and Electoral Registration Officers from the Convener of the Electoral Management Board for Scotland

	Subject	Direction
1	<p>Ballot Paper</p> <p style="text-align: center;"><i>Colour of Ballot Papers</i></p>	<p>Ballot papers must be white; tendered ballot papers must be pink.</p> <p><i>The ballot paper is the fundamental voter facing document in the election. Production is an element of the eCounting contract and will be undertaken by a single print supplier for the whole of Scotland. This provides a consistent form of paper for all voters and supports a reliable, tested scanning process.</i></p>
2	<p>Ballot Paper</p> <p style="text-align: center;"><i>Official Mark</i></p>	<p>The Official Mark used for polling stations ballot papers must be different from those issued in postal vote packs. Returning Officers must ensure that all ballot papers include the appropriate official marks as agreed by the EMB with the printer supplier.</p> <p><i>ROs will be informed of the agreed Official Marks prior to ballot paper production to allow them to confirm that papers meet the specifications. The Official Mark will be a secure design (difficult to copy or imitate) that will not feature images, letters or numbers. A different mark on postal ballot papers will ensure that they are distinct at the count and would be easily identified should any be found in ballot boxes from polling stations.</i></p>
3	<p>Notices</p> <p style="text-align: center;"><i>Publication of Notice of Election</i></p>	<p>Returning Officers must publish the Notice of Election on 14 March 2022.</p> <p><i>Given that Polling Day is on 5 May 2022, this is the earliest possible date for publication and allows the maximum length of nomination period. This is important given the volume of nominations that ROs will have to handle. A lengthy nomination period will also be helpful should any Covid controls place further restrictions on the checking of nominations. As a result the "Pre-election period" (not-Purdah) will also commence on this date, although this is an issue for Councils not ROs.</i></p>

<p>4</p>	<p>Poll Cards</p> <p><i>Date of dispatch of poll cards</i></p>	<p>Returning Officers must ensure that poll cards are dispatched from printers between 15/16 March 2022 to achieve delivery to electors within five working days of the publication of the Notice of Election.</p> <p><i>There is in effect a “deadline” of 7 February 2022 for a validly registered elector to be included in this first issue. The poll card data will be based on the register as published on 1 March 2022 which will include valid applications up to and including 7 February 2022.</i></p>
<p>5</p>	<p>Absent Votes</p> <p><i>First dispatch of Postal Ballot Packs</i></p>	<p>Returning Officers must ensure that postal ballot packs for inclusion in the first delivery to all validly registered electors are passed from printers to the postal services on 14 April 2022. All postal ballot packs are to be dispatched by first class post.</p> <p><i>A consistent date of dispatch supports national communication and voter awareness activities and allows political parties and others to plan their campaigns. Postal ballot packs dispatched must include those sent to electors who are temporarily overseas e.g. on holiday. Under this franchise there are no overseas voters although some voters may be overseas at the time of the election - there will be service voters and may be some holiday makers/students with overseas ballot paper addresses.</i></p>
<p>6</p>	<p>Second Interim Election Notice of Alteration (SIENA)</p> <p><i>Publication Date</i></p>	<p>Electoral Registration Officers must publish the Second Interim Election Notice of Alteration (SIENA) on 8 April 2022.</p> <p><i>With publication of the SIENA on 8 April 2022 a second issue of postal votes is able to pick up those electors who have applied for a postal vote since the first issue, ensuring they get their postal packs as quickly as possible and do not have to wait until the final issue.</i></p>
<p>7</p>	<p>Absent Votes</p> <p><i>Further dispatches of Postal Vote Packs</i></p>	<p>Returning Officers must ensure that there are at least three issues of postal ballot packs to ensure that packs are sent as soon as possible.</p> <p><i>The final dispatch to all validly registered postal voters should be handed over from printers to the postal services on 26 April. There is also scope for manual issue by ROs should numbers be very small.</i></p>

<p>8</p>	<p>Verification and Count</p> <p><i>Count Timing</i></p>	<p>Returning Officers must ensure that the first ballot boxes are opened after 8am and not later than 9:30am on Friday 6 May 2022 to allow the verification and count to begin for their wards. There will be no overnight counting of votes but the verification/count in all councils must be underway by 9:30am on 6 May 2022.</p> <p><i>This is in line with the 2012 and 2017 directions. For Local Government Elections in Scotland a “next day count” is now well-accepted, offering important resilience to the eCounting systems. There was also a next-day Count in the 2021 SP Election, on account of the Covid restrictions, following which there was wide agreement that the daytime count this year offered many advantages. The Direction formalises the position that there will be no overnight count, but ensures that there will be no undue delay, with all Counts underway by 9:30am.</i></p> <p><i>The Direction does not require that all ballot boxes will have been received at the Count Centre by 9:30am on 6 May. It only requires that boxes begin to be opened by 9:30am. These could be boxes of postal ballot papers.</i></p> <p><i>The Direction does not prevent an overnight reconciliation of unused/spoilt papers or the checking of Ballot Paper Accounts. However, if these tasks are done overnight then there must be allowance and facilities for observation to promote transparency.</i></p>
<p>9</p>	<p>Postal Votes</p> <p><i>Royal Mail Sweep</i></p>	<p>Returning Officers must make arrangements with Royal Mail for a polling day sweep of the sorting office for their Council area to ensure that, as far as possible, all postal packs in the system are recovered.</p> <p><i>The EMB will liaise nationally with Royal Mail, but the local arrangements for the receipt of the sweep need to be made by each RO with their Royal Mail representative. It is clearly in the interest of the voters that every effort is made to recover all the votes cast. With the substantially increased number of postal voters following the 2021 growth, this is of continuing importance.</i></p>

<p>10</p>	<p>Verification and Count</p> <p><i>Information in Count Centre</i></p>	<p>All Returning Officers must ensure that the Candidate First Preference Vote bar chart is clearly displayed during the scanning/adjudication for each contest.</p> <p><i>This will support transparency, promote confidence in the Counts and deliver consistency across Scotland. ROs must make sure that candidates and agents are fully briefed on the STV count method and the eCount system so that they understand the information that is displayed and its relation to the final results (i.e. that first preference totals do not always correspond to the ultimate results). This should benefit all those present, enhancing the transparency of the Count.</i></p> <p><i>This display has been revised following consultation in the development of the eCount system and experience in 2017. Formerly the display only showed the position until 80% of voters had been counted. The new system is a continuous display that includes 100% of first preference votes. When all boxes have been verified a line is included on the graph showing the provisional quota to be reached, this is not the final quota as the quota will reduce if any votes are rejected, reducing the number of “valid votes” in the count.</i></p>
<p>11</p>	<p>Declaration of Results</p> <p><i>Agreed Script</i></p>	<p>The “Declaration of Results” report generated by the eCount system provides a script that the Returning Officer must use in declaring the result in each Ward.</p> <p><i>This will support a consistent and legal declaration of results in each contest, recognising the statutory responsibility of the RO to declare the result. Returning Officers will not read the second page as part of their verbal declaration; general practice is that the second page of the “declaration” is for the electronic or printed versions only.</i></p>

12	<p>Results and Reports</p> <p><i>Publication of Information</i></p>	<p>Returning Officers must publish the reports below, generated by the eCount system, to Council Websites as soon as possible after the final declaration of the Count. For consistency, only these reports are to be published.</p> <p>At the conclusion of each contest the following reports can be downloaded for explanation to candidates and declaration by the Returning Officer:</p> <ul style="list-style-type: none"> • Candidate Votes Per Stage Report; and • Declaration Report <p><i>Note that the current eCount system will allow these reports to be downloaded and published as soon as each individual Ward contest is complete. There is no need to delay download and publication until all contests are complete as was required in 2017.</i></p> <p>At the end of the election a folder will be produced with a full set of reports for publication to your website, you will however need to add the Preference By Ballot Box Report after amalgamation of any boxes with under 200 ballot papers issued:</p> <ol style="list-style-type: none"> 1. Declaration of Results (pdf) 2. Preference Summary (pdf) 3. Transfers (pdf) 4. Candidate Votes per Stage (pdf) 5. Preference Profile (blt file) 6. First Preference (pdf) <p><i>Publication of this set of reports will allow the Returning Officer to fulfil the requirements of the Election Order in 56 (c).</i></p>
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	<p>RECOMMENDATIONS TO RETURNING OFFICERS AND ELECTORAL REGISTRATION OFFICERS (NOT CURRENTLY DIRECTED)</p> <p>While not formally given as Directions, ROs and EROs should give appropriate attention to the following areas. Some of these issues are related to measures that may be required or recommended to address public health issues arising from the Coronavirus pandemic. The EMB is engaging with Public Health Scotland to ensure that current and accurate advice is available to the electoral community as in 2021. The EMB material/supplementary guidance for the delivery of elections under Covid conditions remains valid for these elections. The EMB will keep these issues under review and if necessary and appropriate additional directions will be issued. It is expected that the elections will be delivered in a “Covid sensitive” manner and that while there may not be a public health need, the arrangements from 2021 in terms of physical distancing, enhanced ventilation, hand hygiene, Perspex screens, fresh pencils and regular cleansing etc will be expected.</p>	
a	<p>Covid Risk Assessment</p>	<p>As part of their general duty of care for staff and voters Returning Officers should be completing Risk Assessments of the venues used during the election.</p> <p>In preparation for the Scottish Parliament Election in May 2021 ROs were required to complete a full Coronavirus focused risk assessment ahead of the publication of the Notice of Election. This was to ensure that they had considered and where appropriate addressed all relevant issues. This is not specifically being required for these elections although it is expected that ROs and EROs will have incorporated these issues in their general assessment of risk across the election.</p>
b	<p>Polling scheme</p> <p><i>Allocation of voters to polling stations</i></p>	<p>While not at this point fixing a ceiling on the number of voters allocated to each polling station, Returning Officers must plan their polling arrangements to ensure there is sufficient capacity to allow voters to cast their vote without having to wait in a queue for an unacceptable time.</p> <p>Physical distancing and the limited capacity of polling places due to COVID prevention measures mean there is a risk of queues developing. Limiting the number of in-person voters allocated <i>per</i> station should minimise this risk.</p> <p>In addition ROs should review all polling places to ensure that where places contain multiple polling stations, overall arrangements for that location will provide for appropriate physical distancing and other measures consistent with guidance and risk assessments, such as one way routes and ventilation.</p> <p>Particular attention should be given to polling places with three or more stations and to those that are especially compact, to ensure that the layout of the building, particularly at the entrance/exit points of the polling place, allows space for the movement of voters through the premises.</p> <p>ROs will wish to consider how to support especially busy periods although it has been noted at recent by-elections that with people working from home the usual peaks before and after working hours were less marked.</p>

c	Performance Management and Monitoring	As usual the Electoral Commission will support and challenge Returning Officers and Electoral Registration Officers and report on the elections. The EMB may, depending on circumstances, undertake additional monitoring to provide assurance to the Convener that ROs and EROs are complying with his Directions and that all planning and delivery tasks are being undertaken to the appropriate timescales and standards.
d	Adjudication of doubtful papers	A working group of the EMB, with input from the Electoral Commission, has been reviewing the approach to the adjudication of doubtful papers to ensure a consistency of approach with respect to 1st level adjudication (ballots being passed to RO for adjudication) and RO adjudication (the allocation of ballots to the different rejection categories within the Order.) Further advice will be issued by the EMB to ensure consistency across the country.
e	Transparency at Box Opening	<p>Returning Officers must provide adequate space, access and facilities to allow candidates and agents to observe the opening of ballot boxes, the unfolding of papers and their orientation in preparation for scanning.</p> <p>In the interests of transparency and the support of scrutiny every effort must be made to allow this process to be observed as it is a unique opportunity for candidates/agents to have sight of the papers, which will be prepared for scanning face up. To achieve confidence in the result of an election all processes must be transparent, accurate, auditable and evidenced, while maintaining secrecy.</p> <p>Full and effective scrutiny of processes is an important element in promoting confidence in and acceptance of results.</p>

MALCOLM BURR

CONVENER OF THE ELECTORAL MANAGEMENT BOARD FOR SCOTLAND

5 November 2021

Note that the verification/counting of the votes on 6 May does not preclude a reconciliation of unused or spoilt papers and the checking of arithmetic on Ballot Paper Accounts at the close of poll/overnight. However, Returning Officers are reminded that if they undertake any such checking of spoilt or unused papers at the close of poll/overnight then access of candidates, agents, observers etc. to observe will need to be permitted. The need to ensure transparency, scrutiny and acceptance is paramount so the details of any such activities would need to be publicised to candidates, agents, observers etc

